
INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

FIFTH REPORT OF CANADA



Secretary
of State

Secrétariat
d'État

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August 1, 1977 - July 31, 1979

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FIRST PART. GENERAL INTRODUCTION

A. Presentation of the Report

The International Convention on the Elimination of All Forms of Racial Discrimination was adopted and opened for signature and ratification by the United Nations' General Assembly resolution 2106 A (xx) of December 21, 1965. It entered into force on January 4, 1969, that is 30 days after the date of the deposit with the Secretary-General of the 27th instrument of ratification or accession.

Canada signed the Convention on August 24, 1966 and ratified it on October 14, 1970. According to article 19, the Convention entered into force for Canada 30 days after the date of the deposit of its instrument of ratification.

In accordance with article 9 of the Convention, Canada submitted a first report one year after the entry into force of the Convention for Canada, and every two years thereafter. The present report is the fifth submitted by Canada on implementation of the provisions of the Convention in this country. It was prepared in response to note G/SO 237/2 (2) of the Secretary-General of the United Nations dated May 7, 1979 and on the basis of the "Communications, General Recommendations and Requests for Information adopted by the

Committee on the Elimination of Racial Discrimination" and contained in Document CERD/C/36 dated May 26, 1978.

B. Contents of the report

Previous reports accounted for measures adopted in Canada that give effect to the provisions of the Convention. As this information does not need to be repeated and as the legal and administrative situation remained substantially unchanged during the period under review, except in Saskatchewan where a new human rights code was adopted, it was felt that this report should concentrate on illustrating some typical aspects of Canadian activities. These include the approach followed to solve complaints of racial discrimination, programs aimed at the elimination of disadvantages suffered by some groups; and human rights educational activities. On this last point the report is taking into account "General Recommendation V adopted by the Committee at its 338th Meeting, on 13 April 1977" and aims at responding to its invitation to provide additional information on measures adopted to give effect to Article 7 of the Convention.

C. Remarks on the Canadian constitutional system

Within the Canadian confederation the powers of government are exercised by the federal, the provincial and, pursuant

to a delegation of powers by Parliament, the territorial governments. Unlike the provinces, which are allocated very specific areas of responsibility by the British North America Act, 1867, the territories are the creation of the Parliament of Canada, which has given them responsibilities similar to those of the provinces. Therefore, all governments have human rights responsibilities, each within its areas of jurisdiction, and the implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination requires measures to be taken by all governments, federal, territorial and provincial. With regard to Article 7 of the Convention, it should be noted that, under the British North America Act, 1867, education is exclusively within the legislative authority of the provincial governments (section 93). The federal government, however, assumes responsibility for all Status Indians of school age who reside on reserves or Crown lands and for schools for children of Armed Forces personnel outside Canada.

D. Structure of the report

The report is divided into three parts. The first part contains a general introduction; the second part deals with measures adopted by the federal government and by the governments of the Northwest Territories and the Yukon Territory; the third part deals with measures adopted by

various provinces. Appendices contain a table on the distribution of persons granted Canadian citizenship during 1979, by country of former allegiance and sex; the list of documents sent to the Secretary General of the United Nations with this report, and the text of the International Convention on the Elimination of All Forms of Racial Discrimination.

E. Reports on the International Covenants on Human Rights

Canada acceded to the International Covenants on Human Rights in May 1974. Canada's Report on Implementation of the International Covenant on Civil and Political Rights was submitted to the Secretary-General of the United Nations in April 1979 and it was examined by the Human Rights Committee in March 1980. The report contains sections on federal and territorial law and a section on each of the 10 Canadian provinces. Published in Canada by the Department of the Secretary of State, it is distributed free of charge to interested individuals and groups. The report was also published by the United Nations under the code CCPR/C/1/Add. 43 (Vol. I and II).

At the time of completion of the present report, the reports of Canada under Articles 6-9 and 10-12 of the International Covenant on Economic, Social and Cultural Rights were being prepared.

F. Demographic composition of the Canadian population

By its General Recommendation IV, adopted on August 16, 1973, the Committee on the Elimination of Racial Discrimination invited States parties to the Convention to include in their reports relevant information on the demographic composition of the population. Such information, based on the 1971 Census, was provided to the Committee. New information on the ethnic composition of the Canadian population will be gathered on occasion of the next census to be carried out in 1981.

As an indication, however, of the increasing diversity of the Canadian population, the following facts could be noted. The 1979 statistics on Canadian citizenship released by the Citizenship Registration Branch of the Department of the Secretary of State show that, in 1979, Canadian citizenship was granted to 156,699 persons. These people were nationals of 150 different countries prior to becoming Canadian citizens. The table appearing as Appendix I to this report contains the list of these countries.

SECOND PART: FEDERAL GOVERNMENT

This part is divided into two sections. The first section deals with measures adopted by the federal government and the second deals with measures adopted by the Northwest Territories and by the Yukon Territory.

A. FEDERAL GOVERNMENT

The legislative and administrative situation within the federal government remains essentially the same as described in the fourth report presented by Canada on implementation of the Convention in which account was given, in particular, of the Canadian Human Rights Act, S.C. 1976-77, c. 33 adopted in 1977 and of the establishment of the Canadian Human Rights Commission.

The present report deals mainly with three series of activities: the enforcement of legislative provisions against discrimination through the Canadian Human Rights Commission and the Public Service Commission; special programs in favour of ethnic minorities administered principally by the Employment and Immigration Commission, the Department of Indian Affairs and Northern Development, the Treasury Board Secretariat, the Public Service Commission, and the Department of the Secretary of State; and activities of an educational character, carried on, in particular, by the Canadian Human Rights Commission and by the Canadian Broadcasting Corporation.

Information is presented following the "guidelines" adopted by the Committee on the Elimination of Racial Discrimination.

1. *Information on the legislative, judicial administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- (a) *Condemnation of racial segregation and apartheid, in accordance with article 3b;*

Successive Canadian governments have condemned apartheid in South Africa and the violation of fundamental human rights which the practice of apartheid entails. On December 19, 1977, after a comprehensive review of our relations with South Africa, the Secretary of State for External Affairs announced a series of measures which were designed to give concrete expression to Canada's abhorrence of apartheid. These measures included the withdrawal of Canadian Trade Commissioners from South Africa, the closure of the Consulate-General in Johannesburg, the withdrawal of the Export Development Corporation's government account facilities for Canadian exports to South Africa and the withdrawal of the Export Development Corporation's foreign investment insurance facilities for Canadian investments in South Africa.

A visa requirement for South Africans wishing to visit Canada came into effect on April 10, 1978 and, the following July, the government announced that athletes representing South Africa and officials representing South African sports associations would thereafter be denied visas for Canada.

On April 28, 1978, the government issued the "Code of

Conduct Concerning Employment Practices for Canadian Companies Operating in South Africa". Under the Code, Canadian firms are requested to make annual public reports regarding the employment practices of their South African affiliates as a means of assessing whether the treatment of their non-white employees conforms to acceptable standards.

In July 1979, Canada notified South Africa of its intention to terminate the Canada - South Africa Trade Agreement, which accords South African exports preferential tariff access to the Canadian market.

- (c) *Assuring 'everyone within their jurisdiction effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination', in accordance with article 6.*

ENFORCEMENT OF THE CANADIAN HUMAN RIGHTS ACT

The Canadian Human Rights Act, adopted in 1977, entered into force March 1st 1978. During the period under review the Canadian Human Rights Commission, which had been established in late 1977, recruited its personnel and opened five regional offices in addition to its head office in Ottawa. At the end of 1979 the Commission had over 100 employees.

Members of various minority groups are represented on the Commission and within its personnel.

Copies of the reports of the Commission for the years 1978 and 1979 are being forwarded to the Secretary-General, along with the present report.

The Canadian Human Rights Commission began receiving discrimination complaints in March 1978. At the end of September 1979, complaints based on racial discrimination in employment and the supplying of goods and services under federal jurisdiction were broken down as follows:

Number of complaints dealt with	128
Investigations discontinued due to lack of response by complainant	3
Complaints withdrawn by complainant	5
Ongoing investigations	62
Complaints rejected because not within the jurisdiction of the Commission	2
Complaints rejected for lack of evidence	45
Complaints settled after investigation	3
Complaints settled otherwise	7
Complaints about which agreement was reached after conciliation	-
Complaints referred to a Human Rights Tribunal	1

Example of a case treated by the Canadian Human Rights Commission

The complainant alleges that he was forced to quit his temporary job one week before the end of his term because of racial harrassment by his foreman.

Contact person for the respondent reported that the complainant needed a great deal of supervision. The foreman denied the allegation of name-calling and said that he puts pressure on any employee who does not work well. There was no written evaluation report on file. It was also reported that on completion of 65 days employment with the company, the complainant, like all other employees, was given a take-home examination on technical rules. He never returned this examination. Company regulations are that employees must pass this examination before they are put on permanent staff. The supervisor who recruited the complainant said that he first checked with the foreman to see if he would mind having a black man work in his gang.

Investigation findings show that the company employs 685 persons in Halifax. Of this number there is only one black. Blacks constitute approximately 7% of the population of Halifax, the Canadian city where the complainant lives.

The allegation of racial harrassment could not be corroborated, but in recruiting the complainant, the respondent

treated him in a manner contrary to the Canadian Human Rights Act. The supervisor hesitated to recruit him because he is black. The gang in which the complainant worked was disbanded on December 29, 1978 - one week after the complainant resigned - and only three of the workers were retained. The complainant is illiterate and would not have been able to pass the examination. Moreover, to be rehired by the company he must be able to read and write. As a result of the Commission's intervention, the complainant is now being tutored by a representative of a local literacy organization.

Considering all the evidence, the respondent has agreed to pay the complainant \$288.55, representing the week's wages which he lost by quitting prematurely. The company has also agreed to send notices of job vacancies to the Black United Front of Nova Scotia, as a special effort to address the racial imbalance in its labour force.

RESPONSIBILITIES OF THE PUBLIC SERVICE COMMISSION IN THE APPLICATION OF THE ANTI-DISCRIMINATION LEGISLATION

As of March 1, 1978, with the passage of the Canadian Human Rights Act that binds the federal Public Service to its provisions, the Canadian Human Rights Commission and the Public Service Commission developed a modus operandi under which the Anti-Discrimination Directorate of the Appeals and Investigations Branch of the Public Service Commission would

continue to investigate allegations of discrimination in or against federal departments subject to the Public Service Employment Act. This procedure entails cooperation with the Canadian Human Rights Commission.

The Anti-Discrimination Directorate received 53 complaints of discrimination based on race, colour or national origin in 1978 and 41 in 1979.

Investigations show that ignorance or lack of awareness rather than deliberate actions is often the cause of complaints relating to the denial of employee rights or the differential application of regulations.

The following case summaries illustrate complaints received and dealt with during 1978:

An employee alleged discrimination on grounds of national origin, having been denied a position for which he was qualified because he was unable to obtain security clearance. The employee had been living in Canada since a very early age, but had not been granted security clearance because he had relatives still living in his country of origin. The investigation revealed that the security clearance classification for the position in question was unrealistic. As a result, the department reviewed the security designation of all its positions, to the advantage of the complainant.

A complaint of discrimination on grounds of national origin and disability was received from an employee who had been declared to have abandoned his position. The investigation established that the complainant had been absent from duty for medical reasons and that he had notified the department of his absence, although the department apparently had not received this information until after the decision had been taken to declare him to have abandoned his position. The investigation could not support the complaint of discrimination on the evidence presented, but did establish that the complainant had been the victim of unfair treatment in the decision to terminate his employment. The complainant was reinstated with appropriate compensation.

3. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- (a) *The undertaking 'to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists', in accordance with article 2.1(c);*

As mentioned in the preceding report, the Canadian Human Rights Commission may comment on instruments made pursuant to a federal statute, in the event that it finds them incompatible with the principles set forth in the Canadian Human Rights Act.

ENFORCEMENT OF THE CANADIAN HUMAN RIGHTS ACT IN THE FIELD OF
IMMIGRATION

The Canadian Human Rights Commission had received several complaints regarding certain discriminatory practices based on race, colour or national or ethnic origin in the field of immigration. The Canada Employment and Immigration Commission initially disputed the right of the Canadian Human Rights Commission to investigate immigration cases, arguing that immigration is not a service to the Canadian public within the meaning of the Canadian Human Rights Act. An agreement was subsequently concluded between the two bodies, giving the Canadian Human Rights Commission the power to investigate and examine employment and immigration practices and policies, as established by the Canada Employment and Immigration Commission, after guidelines on procedural methods had been jointly determined. This agreement accordingly enables the Canadian Human Rights Commission to ensure that employment and immigration policies and practices are in accordance with the spirit and the letter of the Canadian Human Rights Act, in particular with regard to racial discrimination.

CANADIAN BROADCASTING CORPORATION

In its news and public affairs programming, the Canadian Broadcasting Corporation - the national broadcasting service

created by an Act of Parliament - promotes discussion and debate on issues of public concern. Chief among these are such questions as understanding between groups as well as prejudice and racial discrimination. In this connection, the CBC, by free and unfettered reporting of manifestations of racial discrimination and by comprehensive coverage of the activities and decisions of the Canadian Human Rights Commission, its provincial counterparts, and other groups combating prejudice and opposing racial discrimination, contributes to a heightened awareness of the problem and thus helps to make it possible for corrective action to be taken at many levels.

- (d) *The undertaking to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof, in accordance with article 4 (a);*

The provision of the Canadian Human Rights Act prohibiting the use of the telephone to communicate messages inciting discrimination on grounds prohibited by the Act (race, among other things) was put to the test in disposing of a complaint regarding a telephone service which produced on request a message inciting the listener to hatred of persons of Jewish origin.

The human rights tribunal appointed by the Canadian Human Rights Commission to hear complaints against the Western Guard Party and John Ross Taylor has ordered that prerecorded "White Power" telephone messages be stopped.

The Tribunal's decision was released on August 22, 1979*. Hearings had been held in Toronto in June. The complainants were: the Canadian Holocaust Remembrance Association, David S. Smith, the Toronto Zionist Council, Ajalon Lodge, and the Canadian Human Rights Commission.

The complaints were taken under section 13 of the Canadian Human Rights Act (the hate messages section) which forbids the repeated communication by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament of any matter that is likely to expose persons to hatred or contempt because of their religion or race (or any of the grounds of discrimination prohibited by the Act).

*In February 1980 the Western Guard Party and John Ross Taylor were found guilty of contempt of court by the Trial Division of the Federal Court, because the prerecorded telephone messages had not been stopped. They were then sentenced to a fine of 5,000 dollars and one year in prison respectively. The sentence was suspended, however, and was to take effect only if they further disobeyed the order of the Tribunal. The court later lifted the suspension of the sentence because the respondents had further disobeyed the order of the Tribunal. The execution of the sentence was stayed, however, because the respondents had appealed the judgement of contempt of court rendered against them by the court. At the moment of completing this report, in July 1980, the appeal was pending before the Appeal Division of the Federal Court.

The tribunal noted the limits on free speech previously imposed by Parliament in the Criminal Code, the Post Office Act and the Regulations made under the Broadcasting Act. It also noted that the law of defamation has never permitted people to say what they want irrespective of consequences.

It concluded its summary of the limitations placed upon freedom of speech with the words "...it is Canadian policy that individuals under the guise of freedom of speech and freedom of action cannot say things or take steps to incite or advocate the destruction of freedoms which all of us enjoy." The tribunal commented further: "Diatribes like the ones before us eventually gave rise to the most extreme form of hatred and contempt for Jews in Germany in the 1930's and 1940's. We need no other crucible for us to be satisfied that the themes of the respondent's telephone utterances, which bear a marked resemblance to the propaganda of Goebbels and Hitler, are likely to expose Jews to hatred and contempt."

4. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- a) *The undertaking "to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division", in accordance with article 2.1(3);*

As mentioned in previous reports, various departments and agencies encourage integrationist multiracial organizations and movements and other means of eliminating barriers between races.

CONTRIBUTION OF THE DEPARTMENT OF THE SECRETARY OF STATE

The Department of the Secretary of State continues to play a major role in support of voluntary organizations of different racial and ethnic backgrounds. The Citizenship and Official Languages Sector of the department comprises a number of programs designed to promote better understanding between groups (as per guideline 4 a) above), to ensure the adequate development of certain racial and ethnic groups for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms (as per guideline 4 b) below) and to provide information to these groups and to the public in general with a view to combating prejudice and discrimination and to promote understanding and friendship as well as an awareness of the human rights principles proclaimed by the United Nations (as per guideline 4 e) below).

The main activities of the department in this regard are carried on by the Human Rights Division, the Multiculturalism Directorate, the Native Citizens Directorate and the Official Language Minority Groups Directorate. A brief

account of these activities is given below. For more details, reference could be made to the 1979 Annual Report of the Department of the Secretary of State, copies of which are being sent to the Secretary-General along with this report.

Human Rights Activities

The Human Rights Division continues to carry on information activities principally by distributing to the voluntary sector and the general public, publications on the United Nations human rights activities, reports of activities carried on in Canada, reports of studies undertaken by researchers and various documents on human rights issues.

The Division continues to provide grants to non-governmental organizations for various human rights projects including projects for the study and elimination of prejudice and discrimination.

Multiculturalism Programs

The Multiculturalism Policy was reaffirmed by the new government which came into office during 1979 and the overall objective continued to be:

"to encourage and assist, within the framework of Canada's official languages policy and in the spirit of

existing human rights codes, the full realization of the multicultural nature of Canadian society through programs which promote the preservation and sharing of ethno-cultural heritages and which facilitate mutual appreciation and understanding among all Canadians."

Existing programs continued to provide support to ethno-cultural communities for the preservation of their cultural heritage. A new emphasis introduced during the period was the implementation of the Multiculturalism Policy and Program as tools for social change, with the ultimate goal of providing equality of access and opportunity to all Canadians.

Support to Native Peoples

The Native Citizens Directorate continues to be a major source of funding for numerous activities of native groups and organizations. During the fiscal year 1978-79, 32 provincial and territorial and three national Native Peoples' organizations received financial and technical resources to help them formulate policies and programs to further their development. Funding was provided to help them defray operational costs, salaries, office and administrative expenses, meeting and conference expenses, professional services and staff training.

During the same period, funding was also provided to 15 Native association newspapers, 67 Friendship Centres, 11

communications societies and various Native women's groups as well as for various community and cultural development activities.

Support to Official Languages Minority Groups

Under the federal government's policy on the official languages, the Official Language Minority Groups Directorate is responsible for promoting and facilitating the efforts of the official language minorities to survive and develop, fostering solidarity among them and promoting cooperative relations with the other official language group. The objectives of the Directorate are:

- 1) to promote and facilitate the efforts of the official language minority groups to use their language in order to participate fully in Canadian life in those regions where they are in the minority, and to ensure that they develop as a community;
- 2) to increase the access of members of official language minority communities, as a community, to the cultural wealth of their heritage and to stimulate the creativity and forms of expression which are uniquely theirs;
- 3) to stimulate cooperation and dialogue between the official language minority and majority and make the majority group aware of the linguistic, cultural and socio-economic aspirations of the minority group.

b) *The undertaking to take, "when circumstances so warrant", "in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms", in accordance with article 2.2;*

As mentioned in the previous report, the Canadian Human Rights Act enables special measures to be taken to remedy disadvantages suffered by a group based on grounds cited in the Act (Section 15). As pointed out by some departments, the human rights legislation tends not only to permit them to fulfill their role by serving these wider social and economic priorities but also to implement such policies in their own operations.

Furthermore, s 19 of the said Act enables the government to include anti-discriminatory clauses in contracts, grants or licences made or granted by the federal government. With regard to this provision, the Canadian Human Rights Commission is attempting to develop mechanisms to ensure its application and it has elaborated proposals for submission to the federal government.

In this section of the report, account is given of the Affirmative Action Program and the Native Employment Program of the Employment and Immigration Commission, the policy for the increased participation of Indian, Metis, non-status Indian and Inuit people in the Public Service of Canada, the Black Employment Program of the Public Service Commission, activities of the Department of Indian Affairs and Northern Development and the Native Courtworker Program of the Department of Justice.

AFFIRMATIVE ACTION PROGRAM OF THE EMPLOYMENT AND IMMIGRATION
COMMISSION

An amendment to Section 139 (2) (b), of the Unemployment Insurance Act, 1971, S.C. 1970-71-72, c 48, proclaimed on April 12, 1978, ensures that there will be no discrimination (as defined by the Canadian Human Rights Act) in referring a worker seeking employment and enables special programs "designed to prevent ... eliminate or reduce disadvantages that are suffered by any group of individuals ... based on or related to the race, national or ethnic origin, colour, religion, age, sex, marital status or physical handicap ... by improving opportunities respecting employment" (s.c. 1977-78, c 22, section 24).

In 1978, the Affirmative Action Division was set up to administer the Employment and Immigration's Affirmative Action Strategy by establishing the capability of delivering assistance to the private sector and Crown corporations in the adoption of affirmative action plans. Consultants promote and publicize the concepts and provide consultative services for the development of affirmative action plans which are designed to remove systemic causes of employment discrimination against women, Natives and the disabled and to institute comprehensive measures to improve client group employment. In addition, the Federal Contracts Program is designed to encourage Crown corporations and companies

receiving federal contracts in the development of affirmative action plans for women.

As well as four policy staff at headquarters, by October 1979, there were 12 regional staff located across Canada offering consultative services to companies and unions.

NATIVE EMPLOYMENT

As mentioned in the previous report a Native Employment Division was established within the Employment and Immigration Commission to facilitate the channelling of employment-related programs and services to all Native peoples i.e., Status Indians, Métis and Non-Status Indians and Inuit, and to monitor the effectiveness of these programs and services in the alleviation of the high rate of unemployment (estimated at 75%) among Native peoples. The Division is complemented in the regions by Native Employment Coordinators charged with a similar function. As a further step to ensuring effective delivery of Canada Employment Centres programs and services, 95 Native Employment Counsellor/Specialist positions have been established in the centres which are known to service a significant Native population. This mechanism has proved effective in that Native clients now have an opportunity of being serviced by an individual who has demonstrated a good knowledge of the cultural and socio-economic characteristics of the local Native community.

The objective of the Native Employment Policy of the Canada Employment and Immigration Commission is to achieve the full realization of the productive potential of Canada's Native population while supporting the initiative of Native individuals and communities in the pursuit of their economic needs and their self-fulfillment through work. The Commission continues to give a high priority to Native employment in the administration of its programs and the allocation of its funds. Specific programs for which Native people are the main beneficiaries will be maintained. Examples of such programs are: the Training Opportunities for Natives initiative, an allocation of \$10 million to provide for additional training of men and women of Native ancestry to assist them to take advantage of employment opportunities in urban areas and those generated by large development projects; and the Local Employment Assistance Program, an allocation of \$32.6 million to assist Natives to develop business enterprises which will create employment opportunities in their communities.

INCREASED PARTICIPATION OF INDIAN, METIS, NON-STATUS INDIAN
AND INUIT PEOPLE IN THE PUBLIC SERVICE OF CANADA

The federal government actively supports the principle of equal access to employment, training, development and career progression for all Canadians.

The government has acknowledged that there is a critical lack of participation and representation of Indian, Metis, Non-Status Indian and Inuit people in the Public Service. While these groups represent approximately 4% of the Canadian population they form only 1% of the Public Service.

The government recognizes also that the effectiveness of all Public Service activities is increased as it recognizes and makes use of the variety of cultural values and perceptions that exist in the Canadian population and that policies and programs aimed specifically at the indigenous population, should reflect in their design, development and implementation, the cultural, economic and geographic reality of Canada's indigenous people.

Consequently a new policy aimed at increasing participation of Indian, Metis, Non-Status Indian and Inuit people in the Public Service of Canada was announced in November 1978. Jointly developed by the Treasury Board Secretariat, the Public Service Commission, the Deputy Heads or Assistant Deputy Heads of several government departments, and the Presidents and senior representatives of the National Indian Brotherhood, the Native Council of Canada and the Inuit Tapirisat of Canada, the new policy was incorporated in the Personnel Management Manual under subchapter 115-21.

The objectives of this policy are to ensure that:

- (1) Indian, Metis, Non-Status Indian and Inuit people participate fully in the Public Service with particular emphasis on middle and senior management and advisory roles;
- (2) the Public Service is sensitive and responsive to the training and developmental needs of indigenous employees;
- (3) indigenous people are effectively involved in the conception, design, development and implementation of socio-economic and cultural programs where Indian, Metis, Non-Status Indian and Inuit people comprise a significant portion of the client population.

In order to give effect to this government's policy, federal departments and agencies are required to:

- (1) review their existing practices governing the design of jobs, recruitment and selection, training and career development of employees, in order to identify and systematically eliminate any such practices which discriminate against and/or present barriers to indigenous persons who are public servants or are candidates for positions in the Public Service;

- (2) develop annually specific action plans to meet the objectives of the policy and report annually to the Treasury Board on the results of these, with particular respect to increases in the number of indigenous persons employed, by occupational group and level;
- (3) develop and implement information and training programs, including cultural awareness training, directed to all employees in order to facilitate the foregoing; and
- (4) develop and maintain internal control systems provided through the normal internal audit function of departments and agencies, to ensure that managers, and personnel and financial administrators at all levels, understand their specific responsibilities with respect to the above and are held accountable for efforts expended and the results obtained.

Moreover, departments and agencies with a responsibility for program delivery to Indian, Metis, Non-Status Indian and Inuit people, or who operate in geographic areas where a significant portion of the population is comprised of indigenous people, must review positions to identify those wherein the duties include one or more of the following:

- active participation in policy or decision-making processes which particularly affect indigenous people;
- conception, design, development, implementation and/or evaluation of programs basically directed to indigenous people; and
- contact with indigenous persons;

in order to ensure that these positions truly reflect client needs.

Federal departments and agencies were asked to nominate an officer responsible for the implementation of this policy and for liaison with the Treasury Board Secretariat and the Public Service Commission.

Action plans are to be submitted annually to the Treasury Board Secretariat which is to examine them jointly with the Public Service Commission and the national associations of indigenous peoples.

Federal departments indicated their support for the above described policy mentioning that they had taken steps for its implementation within their own operations. The Department of Public Works, for example, pointed out that both its

short and long range planning reflect an affirmative response to this policy and to the human rights legislation manifested in a five year annual plan for Native employment.

The effectiveness of this policy and of its implementation must be evaluated periodically. The evaluation will be conducted jointly by the Treasury Board Secretariat, the Public Service Commission and senior representatives of the national associations of indigenous peoples, in consultation with senior departmental personnel.

BLACK EMPLOYMENT PROGRAM

The Black Employment Program in the Atlantic region keeps the black communities of Nova Scotia informed of existing or anticipated vacancies and job opportunities in the Public Service. In 1978, 55 black candidates were appointed to the Public Service; two in the Scientific and Professional Category, one in the Administrative and Foreign Service Category, eight in the Administrative Support Category and 44 in the Operational Category. Since the introduction of the Black Employment Program by the Public Service Commission in 1973, 228 black candidates have entered the Federal Public Service. Federal departments and agencies which operate in the area are involved in this program.

Number of black persons appointed to the Public Service in the Halifax-Dartmouth area, by category, 1974 to 1978

Occupational category	1974	1975	1976	1977	1978	Total
Senior Executive	0	0	0	0	0	0
Scientific and Professional	0	0	0	0	2	2
Administrative and Foreign Service	3	7	4	4	1	19
Technical	2	1	0	0	0	3
Administrative Support	3	10	8	12	8	41
Operational	4	37	38	40	44	163
Total	12	55	50	56	55	228

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

There are approximately 310,000 registered Indians and about 22,000 Inuit in Canada. While the majority of registered Indians live on lands reserved for their exclusive use and benefit as stipulated by both treaties and legislation, they enjoy the same right of free movement as other Canadians. In fact, almost one-third of all registered Indians currently live off-reserve, in other Canadian communities.

The federal government's relationship with registered Indians is based on the concept of Indian identity within Canadian society rather than a separation from Canadian society or an assimilation into it. Some degree of Indian status will continue as long as it is perceived as needed

both by the government and by the people recognized as "Indian" under Canadian law.

To this end, it is envisaged that there would continue to be recognition for Indian status, treaty rights and special privileges resulting from land claims settlement.

As mentioned in the previous report the federal Department of Indian Affairs and Northern Development is placing particular emphasis on activities related to local self-government and decision-making for Indian and Inuit peoples. The objective of this thrust is to enable Indian and Inuit communities to assume further control of their own local affairs. Assistance is provided to expand the teaching and use of Native languages in schools of the two territories in northern Canada and on Indian reserves. Control of Indian education is increasingly exercised by Indian communities in order to preserve and develop their cultural identity.

Many Indian communities differ markedly from the rest of Canadian society insofar as economic potential and social conditions are concerned, and this state of affairs seems likely to continue for a while. Therefore, programs and services, based on the disadvantaged situation of many Indian communities and individuals, will continue to be provided. In addition, bands and reserves are to be given the

widest opportunity for local self-determination and control of their own affairs.

Between 1970 and 1979 the federal government, through the Department of Indian Affairs and Northern Development, provided \$29.4 million to enable Indian and Inuit groups to research, develop and negotiate different types of Native land claims deriving from unfulfilled treaty obligations, past administration of the Indian Act, or historic use and occupancy of land. Land claims of a comprehensive nature are under consideration in the Yukon and Northwest Territories, British Columbia and Quebec.

As mentioned in the previous report both the Indian people and the federal government recognize that the present Indian Act should be updated to accord with the current needs and aspirations of the Indian people. Consultations are continuing with the representatives of the Indian people with a view to achieve a consensus on required changes. Among the priority targets of the revision process are sections of the Indian Act which have an adverse effect on the status and rights of certain Indian women.

Regardless of the eventual changes to the Indian Act, the Indian people will continue to possess Indian status and certain privileges, and will continue to be the subject of a special relationship with the federal government.

NATIVE COURTWORKER PROGRAM

The Department of Justice continued to sponsor, under federal-provincial and territorial cost-sharing agreements, an ongoing Native Courtworker Program to further improve the delivery of justice services for Native people. The program is operated for and by the Native people in each province and territory. Additionally, a prevention thrust has been added to the program to provide Native people with funds to develop legal educational material.

- (c) *The undertaking 'to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention', in accordance with article 7.*

EDUCATIONAL ACTIVITIES OF THE CANADIAN HUMAN RIGHTS COMMISSION

Section 22(1)(a) of the Canadian Human Rights Act states that the Canadian Human Rights Commission:

"shall develop and conduct information programs to foster public understanding of this Act and of the role and activities of the Commission thereunder

and to foster public recognition of the principles described in section 2."

In accordance with the Act and because of the importance of the educational process in changing attitudes, the Canadian Human Rights Commission has given the area of information and education equal priority with that of complaints and conciliation. The Commission is accordingly concerned, first, with the matter of "prevention" regarding human rights. While the Commission has the function of settling complaints so that justice is done to the complainants, it also has the function of communicating to the Canadian public the principles underlying the provisions of the Act. The Commission therefore produces educational tools regarding subjects such as prejudice, systemic discrimination, the employment of handicapped people and brochures such as wage parity and the guide on recruitment and selection interviews.

Its staff also work closely with charitable organizations, employers and unions to promote the principle of equality of opportunity for an individual to make for himself or herself the life that he or she is able and wishes to have, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, marital status or conviction for an offence for which a pardon has been granted, or by discriminatory employment practices based on physical handicap.

National and regional conferences are held on these subjects, as well as meetings with groups of employers and employees in various sectors of federal jurisdiction. Such a conference was held in December 1978, and the Commission undertook to forward its recommendations to the government.

The Commission provides to participants in those meetings and to the public at large various publications and audio-visual material. For example, it publishes a bulletin which appears six times a year and analyses complaints received and the solutions found for them. With assistance from the National Film Board, the Commission has prepared three film clips for use on television. The 30-second clips are about children. The first shows a Lillooet (Amerindian) boy on his reserve who asks for respect for the land, the second shows a Sikh boy who states his pride in his traditions and the third shows a black girl who wants to be a doctor and asks if she has an equal chance. Both the English and French networks of the Canadian Broadcasting Corporation have approved the clips for showing and copies were sent to all television stations in the country asking them to show the clips as public service announcements when time is available. Finally it could be mentioned that the Commission publishes some of its material in many languages in addition to English and French.

CONTRIBUTION OF THE CANADIAN BROADCASTING CORPORATION

The Parliament of Canada through the Broadcasting Act directs the Canadian Broadcasting Corporation to provide a national broadcasting service made up of programs that inform, enlighten and entertain. In fulfilling this directive the CBC produces and broadcasts nation-wide or locally, in English and French, radio and television programs that deal, in whole or in part, with many aspects of human rights including prejudice and racial discrimination, and have the effect of promoting understanding and tolerance among racial or ethnic groups. In their routine coverage of the events of the day the CBC's news bulletins report extensively on matters concerning human rights and all forms of racial discrimination, including issues that come before the Canadian and provincial human rights commissions.

As the national broadcasting service of a nation that is composed of many racial and religious groups, the CBC is sensitive to its responsibility to contribute to a climate of opinion that renders racial discrimination unacceptable. The CBC believes that this can best be achieved by providing a forum for the full and frank discussion of discrimination where it may exist and of the ongoing need to combat it in all phases of the national life.

During the period covered by the present report, both

English and French television networks showed THE NEWCOMERS/ LES ARRIVANTS, a perceptive story of the different ethnic groups that inhabited Canada and their contribution to the country. CE COIN DE TERRE, a 20-part series on Western Canada's ethnic cultures, was broadcast on both of the television networks. MAN ALIVE on English television touched on prejudice in Canada, while French television featured an eight-part film series on the Indians of Northern Quebec, CARCAJOU OU LE PÉRIL BLANC.

The English television program OMBUDSMAN, now in its sixth season, which reaches an audience of more than one million people each week, is a "court of appeal" for those who believe they have been ill-treated by bureaucracy including those who may feel that their human rights have been violated. The program receives thousands of letters each year and follows up on all of them. Some of the correspondents are filmed and their cases presented on the air.

On the 30th anniversary of the Universal Declaration of Human Rights, CBC English television produced a one-hour program entitled MUST FREEDOM FAIL? which brought together an international group of figures to review the state of human rights around the world.

ANGLES OF PREJUDICE, five one-hour program broadcast in the radio series IDEAS in January 1979, answered questions such

as: How does prejudice grow in individuals? How is it manifested? Each program reviewed an historical instance of prejudice, then moved behind the headline to examine the social forces at work. French radio presented the series ILS SONT DES NOTRES featuring immigrants who talk about themselves and tell listeners about their lives in the new country.

The individual productions just listed are network programs heard or viewed by Canadians in all provinces. Showing what Canadians are, reflecting their diverse experiences and exploring their cultural differences contributes to the development of mutual understanding and helps curb socio-cultural prejudices and racial discrimination.

It is, however, through its local and regional programming that the CBC has most effectively given expression to issues concerning human rights. Racial problems and prejudices manifest themselves first between neighbours and must be dealt with at the level of the community. Local programs provide a forum for the frustrations and difficulties that members of ethnic groups may encounter. By talking openly about the situation they may generate feelings of tolerance, then of understanding, which in turn lead to an unreserved acceptance by each of the other. The road to a society free of prejudice and tolerant of other people's feelings and

aspirations may be long and arduous but it starts at one's doorstep.

ADDITIONAL COMMENTS

In this part dealing with the federal government, mention was made of the principal measures adopted during the period under consideration. The activities of a limited number of departments and agencies were discussed. It should be noted, however, that all government departments and agencies participate to a greater or lesser extent in government programs and policies designed to promote the equality of all people under Canadian jurisdiction and to eliminate discrimination and its effects. This is the case, for example, with the programs adopted following the publication of the report of the Royal Commission on Bilingualism and Biculturalism during the 1960's.

In its report the Commission had pointed out the disadvantages suffered by French-speaking Canadians and the imbalance between the two principal founding groups of the country and had made a number of recommendations for rectifying the situation. The Commission had also pointed out the disadvantages suffered by groups other than British or French origin and had made recommendations on the subject; these gave rise to the multiculturalism policy mentioned earlier.

The federal government adopted several legislative and administrative measures to correct the imbalances pointed out by the Royal Commission.

The Official Languages Act, R.S.C. 1970, c 0-2, enacted in 1969, provides that the English and French languages are the official languages of Canada for all purposes of the Parliament and Government of Canada and recognizes that the two official language communities have the right to communicate and obtain service from federal institutions in the language of their choice, English or French. The Act establishes the office of Commissioner of Official Languages, who acts as linguistic ombudsman and auditor, who can, with the support of extensive powers of investigation, investigate complaints made to him and conduct his own investigations on the application of the Act. The Commissioner is appointed by Parliament and submits his annual report directly to this institution.

The other measures adopted by the federal government in this area include second-language teaching programs for public servants so that the federal Public Service will be better able to provide its services in both official languages of the country, programs aimed at increasing Francophone representation in the federal Public Service, bonuses for public servants occupying positions requiring them to be bilingual, contributions to the provinces for teaching the

minority official language and for second-language learning, assistance to the private sector so that it can offer services in both official languages, exchange programs for young people of the two language groups, the programs for assisting official language minority groups mentioned earlier, and contributions to institutions and associations for the dissemination and compilation of information on second official language teaching and learning and official language minority education.

B. MEASURES ADOPTED BY THE NORTHWEST TERRITORIES AND BY THE YUKON TERRITORY

1. THE NORTHWEST TERRITORIES

In the fall of 1979, staff of the Canadian Human Rights Commission visited the Territories and had discussions with government staff, Native groups, and other interested parties. The Territorial Government officer responsible for the Fair Practices Ordinance, R.O.N.T. 1974, c F-2, was designated as the contact for the Commission in that jurisdiction and persons requiring information or wishing to lay a complaint may do so through his office in Yellowknife.

Education

Linguistic Program - the purpose of this program is to pro-

vide curricula, teaching and learning materials for Native language programs. Native language instruction in the schools is fostered through seminars and workshops.

Local Government

The Department of Local Government places emphasis on increased participation and responsibility of Native people within the institution of government in the Northwest Territories, and increased employment of Native people through controlled economic development and by providing training. Training activities are directed at giving local people the skills to manage and direct their own affairs.

Hire North Program

The Hire North Program is funded by the Department of Indian Affairs and Northern Development as a part of the federal government highway construction program and administered by the Government of the Northwest Territories. It involves Native peoples in the management and operation of major construction projects, while providing training and business opportunities.

The Hire North Committee was reorganized in 1978 to provide for greater involvement of the Dene and the Metis people in the management of the Hire North Program.

Personnel

The Office of Native Employment concentrates on introducing Native people to opportunities for employment, promotion, education or training in the Territorial public service.

Legal Services

Legal aid for native people is offered through the Native Courtworkers' Association and Maliiganik Tukisiiniakvik (Legal Services Centre). The Courtworkers' Association provides a wide range of services including assisting Native persons appearing before the criminal courts, or where they come into conflict with the law, helping Native people in institutions, providing parole, alcohol and drug rehabilitation and other social-based services. This service provides for counselling-related services in the Mackenzie Valley and Great Slave Lake area.

Maliiganik Tukisiiniakvik provides free legal services to those financially unable to afford same and provides public legal education to Inuit.

2. THE YUKON TERRITORY

Since the fall of 1979 the Government of Yukon has been conducting a review of the Fair Practices Ordinance,

C.O.Y.T. 1976, c F-2. Provisions in that Ordinance prohibit discrimination based on race, religion, religious creed, colour, ancestry, sex, marital status or ethnic or national origin in employment, accommodation, and public services.

Under the current Ordinance however, the Government of the Yukon does not now have authority to:

- conduct "special measures" or affirmative action programs
- establish a Human Rights Commission
- bind the Crown
- undertake any education programs or public relations
- initiate investigation.

The Government of the Yukon indicated its hope that in 1980 it would be able to report on a new Human Rights Ordinance and Human Rights Commission in the Yukon Territory.

THIRD PART: PROVINCES

A. GENERAL REMARKS

Previous reports accounted for measures adopted by the provinces and that give effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

In summary, it can be recalled that all provinces have adopted legislation against discrimination generally called human rights "code" or "act" and have established human rights commissions to ensure their implementation. In this regard the situation generally remained unchanged during the period under review, except in Saskatchewan where a human rights code was adopted, replacing the legislation adopted before.

Provincial human rights commissions deal mainly with three areas of activities: the study and settlement of complaints of discrimination, special programmes in favour of disadvantaged groups and educational activities. These activities continued during the period under review.

Noticeable during this period was the increase of cases submitted to formal boards of inquiry in various provinces, inquiries which resulted in favourable decisions for many complainants.

In another development, in a decision described by civil rights lawyers as unprecedented, a court of appeal has ruled that a person can sue for damages resulting from racial discrimination. In its decision rendered in December 1979 the Ontario Appeal Court stated that discrimination based on race, creed, colour, sex, marital status, nationality, ancestry or place of origin was contrary to public policy in

Ontario and that any person who was the victim of such discrimination had a right to a remedy under the common law. The case involved an East Indian woman who said she was not hired as a teacher by Seneca College in Toronto because of her race. The decision says nothing about the actual value of her complaints, but allows her to continue her suit against the college as well as to file a complaint for violation of the Ontario Human Rights Code. The lawyer who represented the complainant at the appeal said the statements contained in the decision about necessity of protecting human rights are unprecedented in British law. Another lawyer, general counsel to the Canadian Civil Liberties Association, called the ruling "a creative and progressive application of the best public policy principles in the development of the common law". This decision of the Ontario Appeal Court was appealed to the Supreme Court of Canada.

It can be mentioned also that provincial human rights commissions are playing an increasing role in the implementation of government policies in the area of human rights more particularly with regard to international treaties to which Canada is a party.

Through their representative on the continuing Federal-Provincial Committee of Officials Responsible for Human Rights, the provinces were invited to provide contributions for this

report or to provide information which would help prepare it. Some provinces indicated that the situation described in previous reports remained unchanged. The Provinces of Alberta, British Columbia, Nova Scotia, Quebec and Saskatchewan have submitted contributions which are reproduced below.

B. CONTRIBUTIONS OF PROVINCES

ALBERTA*

MEASURES ADOPTED IN THE FIELDS OF TEACHING, EDUCATION, CULTURE AND INFORMATION.

Alberta Education has adopted the following measures:

1. Introduction of a new Social Studies Curriculum which gives major attention to concepts such as: Human Needs, Perspective, Global View, Egocentrism, Ethnocentrism, Stereotyping, Self-Esteem, Culture, Discrimination, and Social Stratification. The new curriculum also focuses on many issues relating to human rights and discrimination. In addition, a learning package was commissioned dealing with the plight of refugees, and touching directly upon the discrimination they (may) have to face.

* Report prepared by the Government of Alberta.

2. Renewal of annual contract with the Alberta Native Communications Society for the production of fifty-two fifteen minute radio programs. These programs are designed to explain and illustrate native culture and history to elementary school pupils, to promote an appreciation and understanding of the native culture and history to elementary school pupils and to promote an appreciation and understanding of the native culture and its contribution to Canadian life.
3. Addressing Multi-Culturalism in various Alberta Heritage Learning Resources Project materials such as: Books for Young Readers (Grades 4-6); Western Canadian Literature for Youth (Grades 7-12); Alberta Literature for Senior Students and Adults (Grades 10-12 and adults); and Kanata Kits, where various ethnic groups are represented and emphasized. The intent of the entire Heritage Project is to show how ethnic groups contribute to the Canadian identity, that is, how we are the same rather than different.

Alberta Culture has sponsored these measures:

1. Representatives from over 50 different ethno-cultural groupings in Alberta are elected to the Alberta Cultural Heritage Council which advises the Government of Alberta on matters of concern to the ethno-cultural

community. The Human Rights Committee of the Council has been active over the past year (1978-79) in advising the Government as to the programs and services which might be developed to increase understanding amongst people and thus deal with prejudices which lead to racial tensions.

2. The Alberta Cultural Heritage Foundation, with the support of Alberta Culture and Edmonton Public School Board, is currently (1979) developing a cultural heritage awareness program for elementary students in Grades 4, 5 and 6, called "Alberta People". This project will produce a series of educational kits to assist teachers and students as they explore the different cultures, customs and traditions of Alberta's people.

Alberta Personnel Administration Office implemented two measures:

1. Produced and distributed a pamphlet designed to eliminate employment interview questions that have previously tended to permit discrimination on several protected categories including race.
2. Developed and conducted training sessions with recruiters and monitored competition files to eliminate discrimination including racial biases among recruiters and managers.

The Alberta Human Rights Commission completed many projects which involved a component geared to the elimination of racial discrimination. The following projects were designed to contribute, in part, to a greater sensitivity to the negative effects of racial prejudice and stereotyping. Also, emphasis was given to the promotion of positive race relations.

1. A full page ad commemorating the 30th anniversary of the U.N. Declaration of Human Rights and reaffirming the principle of equality in dignity and rights without regard to characteristics such as race, colour, or place of origin, was placed in all major provincial newspapers.
2. In support of citizen participation in community-based human rights activities, the Commission contributed as a founding member of citizen race relations committees in two major urban districts.
3. In an effort to improve relations between the visible minorities and the white majority in the smaller rural communities, a major series of two-three days visits was implemented over the past two years. These included presentations in schools, public forums, liaison with community groups and leaders, consultation with major employers, a display of human rights information in a public mall, and an in-depth publicity campaign.

4. Involvement in recruit training and in-service staff seminars with law enforcement agencies is ongoing. The Commission works closely with the police-community relations personnel in this project.
5. Tenth grade curriculum materials developed by the Commission on prejudice and discrimination is now one of the recommended units in the social studies program in all the high schools of Alberta.
6. A series of professional development workshops for elementary and high school teachers has been implemented and focuses on the concept of human rights education. Through principles testing techniques, emphasis is given to the commonality of many human characteristics while promoting respect for cultural/racial differences.
7. A comparative evaluation of two ethnic studies programs for elementary school children was carried out to provide direction to the Commission for further investment of resources in this area.
8. The Commission instituted the production of a 30 minute animated film dealing with concepts of stereotyping and prejudice. The film is geared to the elementary school level.

9. Support has been provided to a citizen's group advocating greater visibility of minority persons in the media. In conjunction with this, efforts are being directed to increasing the awareness of effects of racial bias with personnel entering the fields of advertising, public relations, and journalism.
10. Finally, the print and audio-visual productions of the Commission during this period attempted to provide information on, and make people more sensitive towards, human rights issues in general and, in some cases, racial discrimination in particular.
11. An Interagency Education Committee has been formed consisting of representatives from the Commission, the Department of Education, the Alberta School Trustees Association, and the Alberta Teachers Association. The intent of the committee is to act as both a forum and a catalyst for ideas on reducing the effects of prejudice and stereotyping in the educational system, and promoting tolerance of a multicultural society.
12. Brochures on rights and responsibilities as stipulated in The Individual's Rights Protection Act are being produced in seven different languages to better serve the needs of the minority groups in Alberta.
13. Human Rights Festivals - One day celebrations of human

rights and multicultural events in the elementary schools are in the planning stages (1979), with involvement of the Commission, the schools, and the parents/community.

BRITISH COLUMBIA*

1. Responsibility for Handling Complaints

As mentioned in the previous report, the Human Rights Branch of the Ministry of Labour is responsible for enforcing the statutory provisions of the Human Rights Code of British Columbia, S.B.C. 1973, c 119, which prohibits discrimination in the areas of public services, tenancy and employment, on the basis of race, colour, ancestry and place of origin, among other things.

Over 1,000 formal complaints of discrimination were handled by the Human Rights Branch in 1978 and 1979. Of these, 161 were allegations of discrimination on the basis of race, colour, ancestry or place of origin.

2. Settlement of Complaints

Formal complaints are investigated and attempts are made to

* Report prepared by the Government of British Columbia.

settle those complaints which are substantiated.

For example, in a recent case, a Native Indian woman was denied employment as a babysitter because of the employer's negative attitude toward Native people in general. Settlement, after investigation, included an apology and a donation to the Native Indian cultural centre.

In another case, a man was refused a position as a welder because he was East Indian. Investigation revealed the Foreman had refused the complainant on the basis of race contrary to company policy. The case was settled: the complainant was given the position, received payment of back wages and was given retroactive seniority.

Where a complaint is not settled to the satisfaction of the parties involved, the case is referred to the Minister of Labour who may appoint a Board of Inquiry. A Board of Inquiry's decision is binding on the parties to the complaint. In cases where a Board of Inquiry finds that a contravention has taken place, the Board must issue a cease and desist order and may order to compensate the victim.

In 1978, in a case of eighteen complaints alleging discrimination by a cabaret in that entry and service were denied on the basis of race, colour and place of origin, it was not possible to reach a settlement and the case was referred by

the Minister of Labour to a Board of Inquiry. The Board found "the Respondent both knowingly and wantonly discriminated against black people ... through its various policies and practices designed to prevent their admission to the Club", and ordered the cabaret to pay a total of \$3750.00 in damages. This was the first ruling on a human rights case involving discrimination against black people in British Columbia.

3. Educational Activities

As mentioned in the previous report, the Human Rights Branch is involved in educational programs aimed at promoting the principles of the Human Rights Code. The Branch conducts workshops for schools, employers, unions and community groups, and provides resource persons to speak at seminars and conferences. An example of such activities was the Human Rights Conference held from May 9 - 12, 1978 by the Branch and the federal Department of the Secretary of State, and attended by 300 high school students from around the province. Students had the opportunity of discussing human rights on the local, national and international level with speakers from various racial and ethnic groups. The Conference was considered a great success and the organizers believe that it resulted in an increased respect and understanding on the part of the students for the racial and ethnic diversity of Canadians.

The Branch has also published and widely distributed a brochure explaining the Human Rights Code of British Columbia and the protection of rights. This brochure has been translated into Punjabi, French and Cantonese as well as English.

The British Columbia Human Rights Commission, which was created under the Code, is an independent body responsible for promoting the principles of the Code. It works closely with community groups and encourages and coordinates programs and activities to eliminate discriminatory practices.

The Commission and the Branch, in a joint effort, are about to make available a comprehensive public information kit containing the Human Rights Code of British Columbia, a number of special interest brochures, case summaries, and a human rights bibliography.

Further, the Commission plans to prepare a book in several languages giving information on human rights, labour standards, and citizenship.

Finally, in 1979 the Provincial Government passed the Refugee Settlement Program of British Columbia Act, S.B.C. 1979, c 27. The Act provides for: the establishment by the Minister of a program for the settlement of refugees, the employment of a director to administer the program, and the appointment of an Advisory Committee to assist the Minister.

NOVA SCOTIA*

NOVA SCOTIA HUMAN RIGHTS COMMISSION

Amendments to legislation

The Nova Scotia Human Rights Act, R.S.N.S. 1979, c H-24, was amended twice during the period under review. The two amendments as well as a copy of the Human Rights Act incorporating the amendments are being sent to the Secretary-General of the United Nations along with this report.

The first amendment introduced marital status as a prohibited ground for discrimination in employment and related areas. The second amendment introduced administrative changes with respect to boards of inquiry. Under the amendment, members and employees of the Commission cannot be compelled to give evidence before any board of inquiry or court of law or to provide access to information obtained during the course of an investigation. The amendment also provides for an appeal on a question of law from a decision of a board of inquiry to the Supreme Court of Nova Scotia (Appeal Division).

* Report prepared by the Nova Scotia Human Rights Commission for the Government of Nova Scotia.

Complaint Investigation

Processing of complaints continues to occupy a primary role in the work of the Commission which handled 203 formal complaints in the area of racial discrimination during the period under review. This was an increase of about 15% over the previous period.

A finding of probable cause was established in over 75% of the complaints and these were resolved through conciliation. About 15% of the cases were dismissed for lack of evidence. About 5% of the complaints were withdrawn while investigation continues with the balance outstanding.

Public Education

Public education activity is reflected in the 368 public speaking engagements carried out by staff members during 1978. In addition, the Commission has, during the past five years, presented stimulating school conferences in 53 schools. These conferences are held in cooperation with local school boards engaging the services of resource persons from minority, physically handicapped and women's groups. The conferences, which are one week each in duration, involve staff and students in concentrated activities centering on prejudice and discrimination and are designed

to increase awareness and sensitivity to human rights issues.

The most significant factor in the school conference program during the period under review was its expansion to include elementary schools. In doing so the Commission responded to the expressed needs of elementary school students as well as to the designation by the United Nations of 1979 as the Year of the Child. The Commission is also sponsoring three essay contests, for elementary, junior and senior high school students, in recognition of the International Year of the Child.

December 10, 1978 was proclaimed Human Rights Day in Nova Scotia by the Premier in a ceremony held in Province House to mark the 30th anniversary of the Universal Declaration of Human Rights and the 5th anniversary of the Decade for Action to Combat Racism and Racial Discrimination.

Affirmative Action

While complaint investigation and public education will continue to occupy important roles in the work of the Commission, affirmative action is the bell-wether for human rights in Nova Scotia.

Affirmative action in employment agreements entered into

during the period under review, included agreements with Metro Security Limited, College of Cape Breton, Yellow Cab Limited, Metropolitan Stores of Canada Limited and Polymer International Limited. Copies of a document describing the basic steps to effective Affirmative Action in Employment programs as well as an example of such agreements are being sent to the Secretary-General along with this report.

Affirmative Action awareness sessions were conducted with many employers across the province. Of special significance were the sessions held separately for police personnel and school teachers. A four-part human awareness session was held for all constables in the Halifax Police Department. This was followed by an address by the Director to the Police Association of Nova Scotia in April 1979. The Commission also presented a human rights session at the Maritime Police School training program held in May 1979. The teacher in-service training program involved 275 teachers employed by the Glace Bay School Board. Evaluation of teacher opinions indicates a very positive attitude towards human rights issues.

Significant progress has been made in the work of the Joint Committee on Human Rights and Education established under the joint chairmanship of the Director of the Human Rights Commission and the Deputy Minister of the Department of Education. The Joint Committee has developed guidelines for

publishers for the elimination of racism and sexism in school textbooks, which have been forwarded to publishers. The Commission in co-operation with the Canadian Commission for UNESCO and the Department of Education is developing a Teachers' Handbook on Human Rights.

An affirmative action in education agreement has been entered into by the Nova Scotia Teachers College and the Commission with a view to pooling of resources and more effective use of techniques and programs in human rights and education. Copies of the agreement are being sent to the Secretary-General along with this report.

Thirteen community human rights affirmative action committees have been established. These committees have representation from the major sectors of the community, namely labour, management, church, education, racial, ethnic, physically handicapped and women's groups. The committees provide a link between the Commission and the community establishing coordination and awareness where needed.

Committee members are dedicated to promoting communication and co-operation among racial and ethnic groups. Their activities include the sponsoring, promoting and sustaining of programs to improve the position of the victims of prejudice and discrimination.

QUEBEC*

Introduction

This report was prepared in accordance with the guidelines issued by the Secretary-General of the United Nations Organization.

To information on legislative and administrative actions were added examples of actions by the Quebec Human Rights Commission (Commission des droits de la personne), intended to give full effect to the provisions of the Convention. The majority of these examples were taken from the 1978 Annual Report, a copy of which is being forwarded to the Secretary-General along with this report.

It was also thought useful to forward to the Secretary-General an information paper tabled by the Minister of State for Cultural Development, at conferences held in various regions of Quebec in April, May and October, 1979, on Quebec society and minorities: this document is titled "Quebec Departments and Minorities".

As there is no need to repeat information already contained

* Report prepared by the Quebec Human Rights Commission (Commission des droits de la personne) for the Government of Quebec.

in previous reports, only a review of the legislative and administrative actions has been provided.

1. *Information on the legislative, administrative and other measures that have been adopted and that give effect to the following provisions of the Convention:*

(a) *Condemnation of racial segregation and apartheid, in accordance with Article 3.*

Racial segregation is prohibited by law in Quebec.

Section 10 of the Charter of Human Rights and Freedoms (RSQ 1977, c C-12) provides that every person has a right to "full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour ... ethnic or national origin..."

(b) *Prohibition and elimination of racial discrimination in all its forms as enumerated in Article 5, especially in the field of political, civil, economic, social and cultural rights, and the right of access to any place or service intended for use by the general public.*

Chapter II of the Charter of Human Rights and Freedoms deals with political rights, while Chapter IV deals with economic and social rights (ss 21, 22 and 39 to 48). On April 21, 1976 Quebec also ratified the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional

Protocol related to this last Covenant. Quebec regards itself as legally bound by the various provisions of these international instruments, and examination of its legislation will show that this corresponds with international standards.

Further, Art. 18 of the Civil Code of Quebec provides that: "Every human being possesses juridical personality. Whether citizen or alien, he has the full enjoyment of civil rights except as otherwise expressly provided by law".

The right of access to any place or service is recognized in s 15 of the Quebec Charter:

15. No one may, through discrimination, inhibit the access of another to public transportation or a public place, such as a commercial establishment, hotel, restaurant, theatre, cinéma, park, camping ground or trailer park, or his obtaining the goods and services available there.

In 1978, eleven cases of discrimination based on race or colour in access to public places were examined and settlements were arrived at. For example, there were the cases of two discotheques in Montreal which required that black men be accompanied by women in order to enter, and the case of a public house which had a policy of excluding coloured persons. In the latter case, the public house changed its policy and signed an undertaking to that effect.

Section 12 of the Charter of Human Rights and Freedoms further states that:

12. No one may, through discrimination, refuse to make a juridical act concerning goods or services ordinarily offered to the public.

In 1978, the Quebec Human Rights Commission took action to ensure that in certain cases a telephone company would waive its requirement of a deposit imposed on immigrants.

- (c) Assuring everyone within their jurisdiction effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as the result of such discrimination, in accordance with Article 6.*

A remedy is provided in the Charter of Human Rights and Freedoms. A human rights commission (Commission des droits de la personne) was created (ss 57 to 86), and any person who has reason to believe that he is or has been the victim of a violation of any of the rights recognized in ss 10 to 19 (discrimination) or in the first paragraph of s 48 (exploitation of aged and handicapped persons) may submit a request to the Commission for an investigation. Groups may also submit requests for investigations, as may any organization dedicated to the defence of human rights and

freedoms or to the welfare of a group of persons, provided the person on whose behalf the request is made has given his consent in writing. The Commission itself may also make an investigation on its own initiative.

Any person who requests an investigation may ask the Commission not to disclose his or her identity during the investigation.

The Commission shall endeavour to induce the parties to settle their dispute. If conciliation is unsuccessful, the Commission may recommend the cessation of the act complained of, the performance of an act or the payment of an indemnity within the time period fixed by it. When this recommendation is not followed to the satisfaction of the Commission within the time period fixed, the latter may, with the written consent of the victim, apply to the Court to obtain an injunction against the person in default, claim payment of the indemnity and ask for payment for exemplary damages, in the event of unlawful and deliberate offences. If he so desires, the victim may also exercise these remedies personally.

During 1978, 857 new files were opened with the Quebec Human Rights Commission. Fourteen (14) per cent of these concerned discrimination based on race or ethnic or national origin, especially in the areas of employment, housing and

access to public places or services ordinarily offered to the public.

2. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- (a) *The undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation, in accordance with Article 2.1(a).*

Under s 54, the Quebec Charter of Human Rights and Freedoms is binding on the Crown and consequently applies to levels of government and public institutions falling under provincial jurisdiction.

- (b) *The undertaking not to sponsor, defend or support racial discrimination by any persons or organizations, in accordance with Article 2.1(b).*

The Charter of Human Rights and Freedoms prohibits any racial discrimination against any persons. It defines discrimination as being any distinction, exclusion or preference that has the effect of nullifying or impairing a right (s 10(12)). Similarly, s 11 of the Charter provides that "no one may distribute, publish or publicly exhibit a notice, symbol or sign involving discrimination, or authorize anyone to do so".

- (c) *The undertaking not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination, in accordance with Article 4(c).*

As to this, see the two preceding paragraphs.

3. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- (a) *The undertaking to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists, in accordance with Article 2.1(c).*

Under s 67(d) of the Charter of Human Rights and Freedoms, the Human Rights Commission shall "make an analysis of any Quebec statutes existing prior to this Charter that may be inconsistent with it and make the appropriate recommendations to the Government". Section 56(3) of the Charter also states that the word "law" or "act" includes a regulation, a decree, an ordinance or an Order in Council made under the authority of any act.

In 1978, the Quebec Human Rights Commission concluded its analysis of all laws administered by the Quebec Department of Social Affairs and submitted the appropriate recommendations to the government. Analysis of all the laws administered by the Quebec Department of Justice has been

undertaken. Fifteen other laws were examined, as well as six regulations, affecting education, two cities, investigative agencies and taxi transport.

- (b) *The undertaking to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization, in accordance with Article 2.1(d).*

In this regard see above, paragraph 2.

- (c) *The undertaking to prevent, prohibit and eradicate, in territories under their jurisdiction, all practices of racial segregation and apartheid, in accordance with Article 3.*

- (d) *The undertaking to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof, in accordance with Article 4(a).*

In Quebec, "no one may distribute, publish or publicly exhibit a notice, symbol or sign involving discrimination, or authorize anyone to do so" (s 11, Charter of Human Rights and Freedoms). Breaches of ss 10 to 19 of the Charter constitute an offence punishable under the Summary Proceedings Act of Quebec (RSQ 1977, c P-115).

- (e) *The undertaking to declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law, in accordance with Article 4(b).*

As to this, see the preceding paragraph.

4. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- (a) *The undertaking to encourage, where appropriate, integrationist multiracial organisations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division, in accordance with Article 2.1(e).*

The Quebec Human Rights Commission is required to "cooperate with any Quebec or outside organization dedicated for the promotion of human rights and freedoms" (s 67(f) - Charter of Human Rights and Freedoms of Quebec).

Several co-operation and training sessions have been held with various ethnic groups on the initiative of the Commission. This information is dealt with in paragraph (c) below.

So far as co-operation with areas outside Quebec is concerned, the President of the Quebec Human Rights Commission takes an active part in the Continuing

Federal-Provincial Committee of Officials Responsible for Human Rights, which has the responsibility of implementing the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the latter Covenant.

The Quebec Human Rights Commission is also active within the Canadian Association of Statutory Human Rights Agencies, a body which takes in all the human rights commissions in Canada. The Quebec Commission has submitted to this body a brief relating to improper procedures used by immigration authorities with respect to West Indian visitors to Canada.

In 1978, the President of the Quebec Human Rights Commission agreed to be rapporteur at the UNESCO Seminar held at Man and His World in Montreal, on racism in history. He also took part in an international conference attended by about sixty experts from various countries. Among the subjects examined were immigration and emigration and the question of participation by minorities and women in political life.

- (b) *The undertaking to take, when circumstances so warrant, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them for the purpose of guaranteeing the full and equal enjoyment of human rights and fundamental freedoms, in accordance with Article 2.2.*

Together with other measures which may be referred to elsewhere in this report, particularly in the following paragraphs, Quebec has been actively involved in various international actions, including that regarding the refugees from Southeast Asia.

By the end of 1980, more than 14000 refugees will have been admitted to Quebec. Considerable sums of money have been allocated for the purpose, from federal and provincial funds, pursuant to an agreement between the Government of Quebec and the Federal Government.

The objective is to integrate these people as quickly as possible into Quebec society, by their acquisition of genuine independence. Accordingly, they enjoy the same rights as those enjoyed by any Quebec resident, except for the right to vote, for which residence of twelve months is required as well as Canadian citizenship. They are therefore entitled to all social services free of charge, such as medical care, hospitalization and various financial allowances.

On their arrival they are given complete information on the rights enjoyed by every individual in Quebec, including those provided for in the Charter of Human Rights and Freedoms, courses in French, history and other subjects

pertaining to life in present-day Quebec.

Several Quebec churches have been involved, playing an active role in welcoming new arrivals and taking responsibility for them.

The general public has also been very active through the sponsorship program. Sponsoring groups make themselves responsible for the material and moral welfare of refugees. When they happen to be unaccompanied children, a sponsoring family becomes responsible for them until they attain legal age (18 years). In all cases, the Government of Quebec takes over responsibility in the event that the sponsorship ceases.

It may be well to recall that Quebec admitted more than two thousand Chileans when political problems occurred in that country.

- (c) *The undertaking to adopt immediate and effective measures, particularly in the field of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and the Convention, in accordance with Article 7.*

Section 66 of the Charter of Human Rights and Freedoms imposes on the Human Rights Commission a duty to "promote, by every appropriate measure, the principles enunciated in this Charter". Section 67(b) states that the Commission shall, among other things, "establish a programme of information and education designed to promote an understanding and acceptance of the objects and provisions of this Charter".

The purpose of the Education Branch of the Quebec Human Rights Commission is to instruct or transform the social attitudes of persons in different groups in society, the teaching of receptive attitudes and mutual acceptance and the transformation of attitudes of rejection or intolerance.

Two types of approach are used to mount a real attack on these problems. The first is elimination of the external conditioning which creates the attitudes, resulting from family, school and other surroundings.

Thus, for example, in conjunction with the Department of Education, a teaching material approval grid has been prepared. This grid can be used to identify discriminatory stereotypes and encourage the positive and beneficial representation of minority groups.

However, as control of all these external factors is very

complex, an opportunity also had to be provided for students to identify negative conditioning factors themselves and take the necessary corrective action. Practice modules have therefore been created.

In the same vein, a practice booklet has been produced, designed to facilitate the work of secondary school teachers in connection with the celebration of December 10.

Other types of action have been taken with respect to more specific groups. Thus, in conjunction with the Quebec Police Institute, the courses offered at the Institute have been examined and a series of recommendations submitted. The objective is to incorporate a "human rights" approach into all the courses offered to candidate police officers.

Similarly, a community relations program between the police and the local community has now been undertaken.

The Education Branch has also instituted more general action with groups of various ethnic origins. The primary purpose of these training sessions is to develop attitudes based on knowledge of an individual's own rights: familiarity with rights, learning to perceive them as rights and the ability to take personal or collective action to enforce them.

Reference should also be made to various actions taken involving employers and unions.

In 1978, the Education Branch held 68 information meetings, 23 information sessions, and 58 leadership seminars. More than 300 consultations were also given.

As an example, we might mention the participation of the Commission in preparation of a document on the Amerindian image in Quebec textbooks (Image de l'Amérindien dans les manuels scolaires du Québec), sponsorship of a work on the controversy surrounding hunting, fishing and trapping rights among native peoples (La controverse du droit de chasse, de pêche et de trappage des Autochtones au Québec) and participation in the study of northern towns, from the standpoint of inter-ethnic relations.

In the field of information, the Human Rights Commission has had three primary concerns: the right of the public to information, the responsibility to organize information in terms of target groups and the necessity of being on the spot so that there can be genuine communication.

To carry out its general duty of informing the public, the Communications Branch of the Commission in 1978 distributed free of charge more than 31,000 copies of the Charter of Human Rights and Freedoms, over 18,000 pamphlets describing the Commission's mandate and organization, and more than 600 posters.

In 1978 a monthly bulletin on human rights and freedoms (Droits et libertés) began publication. The initial run was 3,000 copies. This bulletin provided associations, groups, organizations and individuals with information on activities of the Commission, studies, recommendations made to the government, investigations under way or completed, educational or co-operative programs and requests submitted to the Commission.

Sectorial information has been directed to the areas of labour, accommodation and teaching. More than 100,000 documents, pamphlets and studies have been distributed.

A series of Quebec information seminars instituted in 1977 concluded in 1978. These meetings made it possible to collect requests for information, support or action, to learn what the public expected and to identify current and potential needs.

In addition to the series organized by the Commission, over 170 information meetings were held at the request of groups or associations.

The Communications Branch also ensured that the Commission was represented in the print and electronic media. In 1978 350 articles published in the press dealt with the Charter of Human Rights and Freedoms or the Commission. In the same

year, the Commission accounted for more than 300 broadcast hours on radio and television.

These actions have led to closer contacts with various groups and associations; an example of this is the cooperation that has developed with groups of native women in Quebec.

SASKATCHEWAN*

A. New Developments

A new Human Rights Code was adopted by the Province of Saskatchewan in May of 1979 and was assented to on August 7th, 1979. Regulations were proclaimed at the same time the Code was assented to (copies of the Act and Regulations are being forwarded to the Secretary-General along with this report).

The Code replaces the 1972 legislation called The Saskatchewan Human Rights Commission Act, R.S.S. 1978, c S-25. As well, The Blind Person's Rights Act, R.S.S. 1978, c B-3.1, The Fair Employment Practices Act, R.S.S. 1978, c F-3, The Fair Accommodation Practices Act, R.S.S. 1978, c F-2, and The Saskatchewan Bill of Rights Act, R.S.S. 1978, c S-9, were repealed. The new Saskatchewan Human Rights Code has its stated objectives:

* Report prepared by the Saskatchewan Human Rights Commission for the Government of Saskatchewan.

- (a) to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and
- (b) to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

The new legislation codified the existing human rights laws into one document and added several new heads of discrimination. Under The Saskatchewan Human Rights Code, discrimination is prohibited in the area for employment, housing, public accomodation, education and in contracts on the grounds of race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry and place of origin. Discriminatory publications are prohibited (Section 14) and for the first time the Code addresses itself, in Section 14, to the distribution through newspapers, radio, television, or any other print material of "hate literature".

The new Code continues to provide for individual complaints and in addition allows for third party complaints as well as complaints initiated by the Saskatchewan Human Rights Commission (Section 27). If a complaint is not satisfactorily resolved, the Commission may order a Board of Inquiry to be convened by the Attorney General to hear and decide the matter complained of (Section 29).

Section 44 gives the Human Rights Code precedence over all other Acts of the Legislature and makes all other laws of Saskatchewan inoperative to the extent that they authorize or require the doing of anything prohibited by the Code unless expressly declared by an Act of the Legislature to operate notwithstanding the Human Rights Code. For the first time in Saskatchewan the human rights laws are paramount.

The Code, for the first time, deals with the societal discrimination, in Section 47, and the need for special Affirmative Action Programs designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by any group when those disadvantages are based on or related to race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of members of that group. The Saskatchewan Human Rights Commission is responsible for approving voluntary programs, ordering programs, making inquiries about the program, imposing conditions or withdrawing approval as the Commission thinks fit. A program approved by the Commission will not be in violation of the Code.

B. Typical Case

The last case the Saskatchewan Human Rights Commission members sat on as a Board of Inquiry prior to the new Code

coming into force is typical of a large number of complaints from people of Indian ancestry dealing in the area of services and public accommodation. The complainant, Lorna Tootoosis, alleged she was denied service in the beverage room of the Capri Motor Hotel in North Battleford, solely on the basis of her Indian ancestry. Mrs. Tootoosis, at the time of the complaint, was a kindergarten teacher on the Poundmaker Reserve some fifteen miles west of the City of North Battleford. She and her husband went into North Battleford on business and before going back to the reserve decided to have a drink in the beverage room. Mr. Tootoosis left Mrs. Tootoosis at a table waiting to be served while he went to the washroom. Mrs. Tootoosis was not served and when she asked for service was told by the barmaid, "You get out, you've had enough to drink for the day." When Mrs. Tootoosis attempted to explain that she had not had a drink that day and indeed had not had a drink in a year, she was still refused service and told to leave the beverage room. In the hearing the owner of the hotel argued that he did not have control over his employees and they were simply obeying The Saskatchewan Liquor Act. In their decision, the Commissioners stated, "He (Mr. Pfeifer) and his corporation are in the business of providing facilities and service to the public at large. The minimal price of doing such business is surely that the law be obeyed by all persons employed by his enterprises to serve the public. If Mr. Pfeifer's employees violate the law under The Fair Accommodation Practices Act

as we have found Charlene Foulston (the barmaid) to have done in this case, Mr. Pfeifer must be answerable for their actions. The law does not allow him to abdicate his responsibilities to his customers." The Commission, in ordering Mr. Pfeifer to pay Mrs. Tootoosis \$200.00 said: "Lorna Tootoosis has clearly suffered an injury to her dignity. For no good reason, she was refused service in a place to which the public is customarily admitted. She was first insulted then evicted. We have now determined on the evidence that this ill treatment had solely to do with her race. The respondents, United Enterprises Ltd. and Pius Pfeifer, must make amends for the injury caused by the conduct of the barmaid in question. In our opinion, an award of \$200.00 is called for, to compensate the complainant for the loss of dignity and humiliation which she suffered."

C. Education

Over the two years (1977-1979), the Saskatchewan Human Rights Commission has been holding in-service training for teachers in the public and high schools of the province. These workshops, called TASC (Teacher Awareness of Stereotyping in the Classroom) have dealt with three major areas - sex discrimination, race discrimination and discrimination against persons with a physical disability. These workshops have been co-sponsored by the Department of Education, Teachers Federation, School Trustees Association and the

Saskatchewan Human Rights Commission, and approximately one thousand teachers have participated in the training to date.

The Commission has published "A Pictorial History of the Metis and Non-Status Indian in Saskatchewan" which has been distributed free of charge to all schools and libraries in the province (copies are being forwarded to the Secretary-General along with this report). The Commission has participated in numerous workshops, conferences and seminars throughout the province, designed to promote understanding and combat prejudice which leads to racial discrimination. As well, the Director of the Commission has, over the reporting period, co-chaired a joint American and Canadian committee to plan for and provide a forum for discussions on human rights issues that transcend national borders. The first International Consultation on Human Rights issues was held in Ottawa, Canada in November of 1978 with approximately 60 people in attendance from Canada, U.S.A., England, Barbados and France. Further consultations are being planned.

FOURTH PART: ACTIVITIES OF NON-GOVERNMENTAL ORGANIZATIONS

Non-governmental organizations play an important role in Canada in the promotion of human rights and in the fight against prejudice and discrimination. Governments support their undertakings and the federal and provincial human

rights commissions work with these organizations. The support given by governments to these organizations often includes monetary assistance. The federal Department of the Secretary of State, through the various programs described above, was the main source of funding for activities of these organizations during the period under review.

As this report is attempting to highlight, among other things, activities of an educational character, this section will outline some activities of non-governmental organizations and individuals which contributed to the dissemination of information during the period. This is by no means an exhaustive account but rather an illustration of the type of activities carried on.

The Canadian Labour Congress published a brochure entitled "Human Rights in Canada - A Focus on Racism". It is an analysis of problems of racism in Canada along with a discussion of the means used to combat it. Copies of this publication are being forwarded to the Secretary-General of the United Nations along with this report.

In January 1979, the Canadian Advisory Council on the Status of Women released a report on the problems of immigrant women in the Canadian labour force. This paper attempted to fill in some of the information gaps relating to the role of immigrant and foreign women workers and their experience in

the Canadian labour market. To put their position in perspective, labour market profiles were drawn comparing the characteristics of immigrant and foreign women workers with those of Canadian women, Canadian men, and immigrant men. The labour-related problems of the most disadvantaged immigrant and women workers were described with a special look at the garment and textile industries and at domestic workers, fields often dominated by immigrant and foreign workers, though mainly by temporary workers in the case of domestics. Provincial and federal policies and legislation affecting immigrant and foreign women workers were also examined. These include minimum labour standards legislation at the provincial level, and at the federal level, employment authorization Regulations as they apply to foreign domestics, certain provisions of the Immigration Act, and the provision of language training.

In April 1978, the Canadian Advisory Council on the Status of Women published a document entitled "Indian Women and the Law in Canada: Citizens Minus". It is an analysis of the effects on Indian women of the provisions of the Indian Act which rule that Indian women lose their Indian status when they marry non-Indian men. Indian men do not lose their Indian status when they marry non-Indian women.

A research report on "The Dynamics of Racism in Toronto" done by an anthropologist of the Department of Anthropology

of York University in Toronto, was published in February 1978. The report presents the results of a study which measured the attitudes of a random sample of white Torontonians using a specially constructed questionnaire.

The Canadian Human Rights Foundation began a series of conferences on the subject of minority rights. These meetings are attended by leading human rights experts, university professors, government officials, representatives of human rights agencies and various minority groups.

An intensive seminar for educators entitled "The Schools: New Strategies against Prejudice and Racism" was conducted in the context of the Annual Institute on Human Rights and Civil Liberties held under the auspices of the University of Toronto. This is being followed up by the preparation of resource materials for classroom application, with the cooperation of the Ministry of Education and local Boards of Education in Ontario.

The United Nations Association in Canada sponsored a seminar on means of developing aids for the teaching of human rights in schools. This is being followed up by the preparation of a book on the subject of human rights in education.

Finally, the Canadian Council of Christians and Jews has undertaken an international survey of strategies which have been developed to combat racism.

APPENDIX I

TABLE 3 - Distribution of persons granted Canadian citizenship during 1979, by country of former allegiance and sex

TABLEAU 3 - Répartition des personnes ayant acquis la citoyenneté canadienne en 1979, selon le pays d'allégeance antérieure et sexe

(Source: Canadian Citizenship Statistics, Citizenship Registration Branch, Department of the Secretary of State)

COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE	TOTAL	MALE HOMMES	FEMALE FEMMES	PER CENT POUR-CENTAGE	COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE	TOTAL	MALE HOMMES	FEMALE FEMMES	PER CENT POUR-CENTAGE
All Countries/ Tous les pays	156,699	78,827	77,872	100.0	Indonesia/Indonésie	223	109	114	.1
Afghanistan -	15	10	5	-	Iran -	232	134	98	.2
Albania/Albanie	5	5	-	-	Iraq/Irak	93	54	39	.1
Algeria/Algérie	95	65	30	.1	Irish Rep./ Rép. d'Irlande	1,030	520	510	.7
Angola -	17	12	5	-	Isle of Man/Île de Man	4	2	2	-
Argentina/Argentine	512	282	230	.3	Israel/Israël	1,492	812	680	1.0
Australia/Australie	880	476	404	.6	Italy/Italie	9,695	4,932	4,763	6.2
Austria/Autriche	297	160	137	.2	Ivory Coast/ Côte d'Ivoire	1	1	-	-
Bahamas -	43	21	22	-	Jamaica/Jamaïque	8,457	3,670	4,767	5.4
Bahrain -	5	3	2	-	Japan/Japon	382	197	185	.2
Bangladesh -	167	79	88	.1	Jordan/Jordanie	178	96	82	.1
Barbados/Barbade	884	414	470	.6	Kenya -	1,826	904	922	1.2
Belgium/Belgique	395	198	197	.3	Korea/Corée	3,146	1,547	1,599	2.0
Belize -	29	11	18	-	Kuwait/Koweït	10	5	5	-
Benin -	7	4	3	-	Laos -	22	11	11	-
Bermuda/Bermudes	132	62	70	.1	Lebanon/Liban	2,108	1,245	863	1.4
Bolivia/Bolivie	84	41	43	.1	Liberia/Libéria	9	4	5	-
Brazil/Bresil	233	109	124	.2	Lybia/Lybie	2	1	1	-
British Virgin Islands/ Îles Vierges Britanniques	2	2	-	-	Luxembourg -	8	2	6	-
British West Indies/ Antilles Britanniques	1,217	551	666	.8	Macau -	176	87	89	.1
Brunei -	62	33	29	-	Madagascar Rep./ Rep. de Malgache	40	23	17	-
Bulgaria/Bulgarie	54	33	21	-	Malawi -	23	12	11	-
Burma/Birmanie	132	70	62	.1	Malaysia/Malaysia	755	370	385	.5
Burundi -	15	11	4	-	Mali -	2	1	1	-
Cameroon/Cameroun	148	13	5	-	Malta/Malte	376	203	173	.2
Cayman Islands/ Îles Caïman	1	-	1	-	Martinique -	7	4	3	-
Channel Islands/ Îles Anglo-Normandes	7	4	3	-	Mauritius/Île Maurice	332	194	138	.2
Chile/Chili	1,349	753	596	.9	Mexico/Mexique	554	283	271	.4
China/Chine	6,441	2,965	3,476	4.1	Monaco -	1	1	-	-
Colombia/Colombie	576	299	277	.4	Morocco/Maroc	623	371	252	.4
Costa Rica -	17	7	10	-	Mozambique -	31	18	13	-
Cuba -	22	11	11	-	Népal -	1	-	1	-
Cyprus/Cypre	480	267	213	.3	Netherlands/Pays-Bas	1,401	708	693	.9
Czechoslovakia/ Tchécoslovaquie	325	177	148	.2	Netherlands Antilles/ Antilles Néerlandaises	14	6	8	-
Democratic Republic of Congo/République démocratique du Congo	176	164	112	.2	New Zealand/ Nouvelle Zélande	765	414	351	.5
Denmark/Danemark	431	226	205	.3	Nicaragua -	32	19	13	-
Dominican Rep./ Rép. Dominicaine	56	17	39	-	Nigeria -	215	141	74	.1
Ecuador/Équateur	431	232	199	.3	Norway/Norvège	157	99	58	.1
Egypt/Egypte	957	524	433	.6	Pakistan -	2,208	1,223	985	1.4
El Salvador -	162	70	92	.1	Panama Rep./ Rép. de Panama	24	11	13	-
Ethiopia/Éthiopie	36	24	12	-	Papua New Guinea/ Nouvelle Guinée	2	-	2	-
Fiji -	1,644	863	781	1.1	Paraguay -	171	95	76	.1
Finland/Finlande	371	163	188	.2	Peru/Pérou	477	239	238	.3
France -	2,960	1,485	1,475	1.9	Philippines -	6,993	3,156	3,837	4.5
French Guyana/ Guyanne Française	4	3	1	-	Poland/Pologne	1,365	627	738	.9
Gabon -	1	1	-	-	Portugal -	7,333	3,854	3,479	4.7
Gambia/Gambie	3	1	2	-	Rhodesia/Rhodésie	76	35	41	.1
Germany/Allemagne	2,522	1,225	1,297	1.6	Romania/Roumanie	417	226	191	.3
Ghana -	307	191	116	.2	Rwanda -	13	4	9	-
Gibraltar -	13	4	9	-	St-Helena -	1	1	-	-
Greece/Grèce	4,362	2,234	2,148	2.8	Samoa -	2	2	-	-
Grenada/Grenade	317	151	166	.2	Saudi Arabia/ Arabie Saoudite	2	-	2	-
Guadeloupe -	1	-	1	-	Sénégal -	7	6	1	-
Guatemala -	176	88	88	.1	Seychelles -	14	4	10	-
Guinea Rep./ Rép. de Guinée	8	3	5	-	Sierra Leone -	15	10	5	-
Guyana/Guyane	4,520	2,185	2,335	2.9	Singapore/Singapour	279	139	140	.2
Haiti/Haïti	3,007	1,378	1,629	1.9	Solomon Island/ Île Solomons	1	-	1	-
Honduras Rep./ Rép. d'Honduras	60	25	35	-	Somalia/Somalie	6	4	2	-
Hong Kong -	7,596	3,753	3,843	4.9	South Africa/ Afrique du Sud	1,123	578	545	.7
Hungary/Hongrie	558	284	274	.4	Southern Yemen/ Rép. du Yémen	8	2	6	-
Iceland/Islande	12	6	6	-	Spain/Espagne	696	406	290	.4
India/Inde	9,484	5,201	4,283	6.1	Sri Lanka -	314	166	148	.2
					Sudan/Soudan	22	14	8	-

FOOTNOTE - NOTE (a) "Union of South Africa" is listed under "South Africa". - "L'Union de l'Afrique du Sud" est catalogué sous "Afrique du Sud".

TABLE 3 - Distribution of persons granted Canadian citizenship during 1979, by country of former allegiance and sex

TABLEAU 3 - Répartition des personnes ayant acquis la citoyenneté canadienne en 1979, selon le pays d'allégeance antérieure et sexe

COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE	TOTAL	MALE HOMMES	FEMALE FEMMES	PER CENT POUR-CENTAGE	COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE	TOTAL	MALE HOMMES	FEMALE FEMMES	PER CENT POUR-CENTAGE
Surinam -	12	4	8	-					
Swaziland -	1	-	1	-					
Sweden/Suède	142	74	68	.1					
Switzerland/Suisse	763	411	352	.5					
Syria/Syrie	467	244	223	.3					
Tahiti -	1	1	-	-					
Taiwan/Tai-Wan	515	240	275	.3					
Tanzania/Tanzanie	2,357	1,189	1,168	1.5					
Thailand/Thaïlande	56	26	30	-					
Togo -	10	8	2	-					
Tonga -	2	2	-	-					
Trinidad & Tobago/ Trinité & Tobago	2,348	1,073	1,275	1.5					
Tunisia/Tunisie	122	100	22	.1					
Turkey/Turquie	466	252	214	.3					
Uganda/Ouganda	778	401	377	.5					
Ukraine -	74	40	34	.1					
United Kingdom/ Royaume-Uni	25,717	12,756	12,961	16.4					
United States/ États-Unis	3,423	1,789	1,634	2.2					
Upper Volta/Haute Volta	1	-	1	-					
Uruguay -	515	262	253	.3					
U.S.S.R./U.R.S.S.	1,306	642	664	.8					
Venezuela -	109	52	57	.1					
Vietnam/Viet Nam	3,296	1,831	1,465	2.1					
Yugoslavia/Iugoslavie	3,301	1,701	1,600	2.1					
Zaire -	63	33	30	-					
Zambia/Zambie	49	25	24	-					

FOOTNOTE - NOTE (b) "Ukraine" is listed separately from the "U.S.S.R." and is not included in the "U.S.S.R." figures.
- "L'Ukraine" est catalogué séparément de "l'U.R.S.S." et n'est pas compris dans les chiffres pour "l'U.R.S.S."

APPENDIX II: LIST OF DOCUMENTS SENT TO THE SECRETARY-GENERAL
OF THE UNITED NATIONS WITH THE PRESENT REPORT

1. Report of the Canadian Human Rights Commission for the year 1978.
2. Report of the Canadian Human Rights Commission for the year 1979.
3. Annual Report of the Department of the Secretary of State For The Year Ended March 31, 1979.
4. Human Rights Act, Statutes of Nova Scotia 1969, c. 11, as amended by 1970, c. 85, 1971, c. 69, 1972, c. 65, 1974, c. 46, 1977, c. 58.
5. An Act to Amend the Statute Law Respecting Women, Acts of 1977, Nova Scotia c. 18.
6. An Act to Amend Chapter 11 of the Acts of 1969, the Human Rights Act. Bill No. 112, 1977, Nova Scotia.
7. Basic Steps To Effective Affirmative Action In Employment Programs, Nova Scotia Human Rights Commission.
8. Memorandum of Understanding: Message from the President, to College of Cape Breton, Re Affirmative Action in Employment.
9. Memorandum of Understanding Between the Nova Scotia Teachers College and the Nova Scotia Human Rights Commission.
10. Rapport annuel 1978, Commission des droits de la personne du Québec.
11. Québec Government Departments and the Minorities. Government of Québec, 1979.
12. The Saskatchewan Human Rights Code, 1979.
13. Saskatchewan Regulation 216/79 - The Saskatchewan Human Rights Code - Section 46, Order in Council 1402/79, July 31, 1979.
14. A Pictorial History of the Métis and Non-Status Indian in Saskatchewan. Published by the Saskatchewan Human Rights Commission in co-operation with the Association of Métis and Non-Status Indians of Saskatchewan.
15. Human Rights in Canada: A Focus on Racism; by Daniel G. Hill. Published by the Canadian Labour Congress.

APPENDIX III

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly
resolution 2106 A (XX) of 21 December 1965

ENTRY INTO FORCE: 4 January 1969, in accordance with article 19.

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as

all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the rights to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

- (v) The right to education and training;
- (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters.

At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or

other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

(a) Signatures, ratifications and accessions under articles 17 and 18;

(b) The date of entry into force of this Convention under article 19;

(c) Communications and declarations received under articles 14, 20 and 23;

(d) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

